

Minutes
Regular meeting of the City of Reading Planning Commission
May 26, 2015 at 7:00 pm

Members present:

Ermete J. Raffaelli, Chairman
Michael E. Lauter, Secretary
Wayne Jonas Bealer, Assistant Secretary
William F. Cinfici

Staff present:

Andrew W. Miller, Planning Office
Deborah A.S. Hoag, Department of Public Works

Others present:

Kathryn O. Keppen, Berks County Conservation District
Cathy Curran-Myers, Environmental Advisory Council
Francis G. Acosta, City Council
Marcia Goodman-Hinnershitz, City Council
Michelle A. Katzenmoyer
Carole Duran, Reading Eagle Company

Chairman Raffaelli called the May meeting to order, and asked for acceptance of the agenda. Mr. Miller noted that Berks Community Television would not be covering the meeting, as City Council was also in session a day after the holiday. He suggested taking the Conservation District's presentation ahead of the Redevelopment Authority's, based on the observed attendance. Mr. Bealer moved to accept the May 26th agenda, as reordered. Mr. Lauter seconded. And the Commission voted unanimously to accept the May agenda.

Subdivision and Land Development:

Municipal Separate Storm Sewer System (MS4) – overview presentation [0:00.00]

Ms. Keppen introduced herself in her capacity representing the Berks County Conservation District, and by extension the County's MS4 Steering Committee. She recognized Ms. Hoag for her participation in the same, and asked that the Commission members sign an attendance sheet as documentation of the presentation made. She then started a slideshow presentation regarding the management of stormwater in municipal sewer systems, and the myriad laws and organizations regulating its handling and quality. *[having forgotten to start the recorder, the first approximately five minutes are missing from the audio file – the minutes to this point were prepared from the hand-written notes]* She explained the challenges with nutrient loading, especially phosphorous for its tendency to bind to soils, and the resulting algal and other vegetative growths that act to degrade water quality. She referred to the federal Clean Water Act, and the specific permits based upon it. She said the MS4 program has its roots in the National Pollutant Discharge Elimination System (NPDES) permitting, and covers any government-owned curbs, gutters, roads, pipes and swales dedicated to draining stormwater runoffs, as opposed to *combined* storm- and sanitary-sewer systems. She said its reach is based on population and an interpretation of 'urbanized areas'. She said jurisdictions may be classified under a general permit, a stricter individual permit or, in certain cases, granted a waiver. Ms. Hoag confirmed that the City is under an individual permit, as are the eight other municipalities covering the 'exceptional value' Wyomissing Creek watershed. Ms. Keppen said the program requires the implementation of a stormwater management plan, six 'minimum control measures' and designated total-maximum-daily loads (TMDL) for any already-impaired streams. The control measures include public education, illicit-discharge elimination, construction-site controls, and municipal pollution-prevention practices, and involve documentation and reporting requirements. Ms. Hoag gave some background on the formation of the Steering Committee, and its role since. She mentioned the periodic rain barrel workshops as an example of its community outreach. Mr. Raffaelli lamented the Commission's lack of authority in mandating permeable surfaces, and the resistance of developers to do it voluntarily. Ms. Keppen said the Conservation District shares the frustration, and suggested 'the day is coming' for stronger regulations. Ms. Curran-Myers characterized a choice between offsetting the impact and paying for it. Mr. Miller wondered if the Steering Committee preferred a 'utility' approach with a tax on impervious coverage. Ms. Keppen said they hadn't had that discussion, but knew of some personal opinions favoring that arrangement. Ms. Curran-Myers said the Environmental Advisory Council hadn't yet considered it, but knew of other municipalities having implemented it. Ms. Keppen recalled something similar in Lancaster and Philadelphia. Ms. Hoag added that many of those municipalities have combined-sewer systems. Mr. Miller took issue with the rising cost of that management for the 'separate' municipalities, when combined systems are still

discharging raw sewage in every hard rain. Ms. Keppen couldn't say how the early planners chose the designs of their systems. Ms. Hoag recalled a theory that combined sewers 'flush the lines for you', and that the City's design was rare among the systems of its day. Ms. Curran-Myers noted there weren't treatment plants at the end of the lines, until later. Mr. Miller asked, since the 'separate' municipalities are effectively being required to treat their stormwater, if the 'combined' municipalities are being required to increase their treatment capacities to handle the higher, weather-driven volumes. Ms. Curran-Myers said they're being required to separate the stormwater or upsize the treatment works, if not both. The discussion turned to specific pollutants, including deicing salts, and the different ways of mitigating the impact of washing cars. Ms. Keppen also recommended soil testing through the agricultural extension services. Mr. Cinfici noted the impact of runoff from the undeveloped areas, especially the surrounding mountains, also draining into the stormwater system. Ms. Keppen mentioned a movement to 'daylight' streams and undo that pattern.

Residential, Commercial, Industrial Redevelopment Program (Reading Redevelopment Authority) [0:38.41]

Mr. Miller noticed no one representing the Redevelopment Authority present. Mr. Raffaelli recalled the Commission's request for clarification at the April meeting, and characterized the updated summary as a verbatim copy of the first, but for a couple of minor edits. Mr. Bealer said he was disappointed in the response, and assumed the Authority intended to replicate the County's program as closely as possible. Mr. Miller agreed, but thought they could better explain it in writing as their Executive Director had verbally. Mr. Lauter also preferred that clarification, and took some offense at the tone of the Authority's response. But he believed the intent of the program had merit, and hoped to see it pursued for the expected benefits to the City. Mr. Cinfici felt that if the Commission could not understand the basis of the Program, from its narrative, the public likely couldn't either. He recognized the better explanation available in the Commission's own documentation, but only with that cross reference. Ms. Hoag anticipated an eventual issue in interpreting the intent and authority based on the narrative alone. Mr. Miller echoed that concern, thinking it would take precedence over whatever was *said*, whether documented in the minutes or not. He understood that the matter would not be presented to City Council, making the Commission's role less certain, whereas its guiding statute would usually assign an advisory role in a comparable circumstance. He also recalled the Director's statements about the Program being implemented, with or without the Commission's action. Mr. Lauter reminded that the Redevelopment Authority functions somewhat separately and autonomously from the City government, and wondered how that bears on the Commission's involvement. Mr. Miller felt that, if told his input wasn't necessarily required or was otherwise ceremonial, his participation wasn't necessary either, unless it was some attempt at a 'shared liability' for the results. He said if he had to record a vote of his own, he'd likely abstain. Mr. Cinfici suggested approving the Program with the meeting minutes attached for a fuller explanation. The members briefly speculated on the effect of a hypothetical denial, and whether the Director's representation of the process was accurate. Asked where the Commission's authority was taken from, Mr. Miller cited Pennsylvania's Urban Redevelopment Law of 1945. Mr. Cinfici suggested taking no action, or formally resolving a position of 'no action'. Asked about the 45-day deadline for action, Mr. Miller indicated that he counted from the Authority's first request for a review.

Mr. Cinfici moved to state that the Planning Commission 'makes no recommendation' on the Redevelopment Authority's *Residential, Commercial, Industrial Redevelopment Program*. Mr. Bealer seconded. And the Commission voted 2 to 2, defeating the motion, with Msrs. Raffaelli and Lauter voting against.

Resolution #19-2015

Mr. Lauter then moved to 'recommend approval' of the Authority's *Residential, Commercial, Industrial Redevelopment Program*. Mr. Cinfici seconded. And the Commission voted 3 to 1, to approve the Program, with Mr. Bealer dissenting.

Resolution #20-2015

§303.a.1 review-Pendora Park Pump Track (Reading Bike Hub) [0:56.26]

Mr. Miller didn't recognize anyone attending to present the project, but a few others on-hand and interested in addressing the matter. Council President Acosta voiced his concerns from the City Council perspective, and the anticipated funding issues in the coming year as the initiatives of the current administration give way to those of a new mayor. He wanted to verify that the organizations remaining are able to sustain themselves and their ventures, and that those ventures serve the community they were intended for. He asked that the Planning Commission consider those questions before approving such proposals. Mr. Raffaelli considered the reactions whenever the Planning Commission reaches beyond the narrow bounds of their 'ordained' duties. Mr. Acosta said that, in this instance, Council would support the Planning Commission's scrutiny, and will be assuming a 'watch-dog' role regarding any financial commitments made by the City in the interim period. He alluded to the City's obligations under its 'Act 47' status, and several entities all but wholly dependent on City support. Councilwoman Goodman-

Hinnershitz explained that, though there was never a formal presentation, she had discussed the concept with the group's Executive Director, by phone. She understood their intent to present to City Council and the Planning Commission and, on her direction, the Reading Recreation Commission. She recalled their brief presentation to the latter, though no action was taken and the Recreation Commission suggested Schlegel Park as a more-appropriate site. She said the Recreation Commission is in the process of developing its own strategic plan, and preferred that such proposals be submitted in writing, with due consideration of the maintenance and liability issues, and allow for feedback from the district's constituents. Mr. Miller explained the background of the Planning Office's involvement. He said that everything he knew of the project came from an April 14th meeting with the Executive Director, and understood it to involve a 'skill development' course for bicyclists and part of a recognition being pursued. He thought they were applying for funding through the Pennsylvania Department of Conservation and Natural Resources (PADCNR) – a program the City wasn't pursuing itself in the current cycle – and attempting to make a June grant-application deadline. He said his perspective on such business is always as providing recommendations to City Council. He was nearly certain the project wouldn't require a 'land development' review, but recognized a number of related issues that he'd already detailed for the would-be applicant. He expected to address those several concerns through this scheduled presentation. He said he and the group's Executive Director settled on this date, as an appropriate fit between an April 20th 'standard-of-living' committee presentation and a review by the full City Council. His only question on the process was whether Council would present it as a resolution or an ordinance. Ms. Hoag said she got an explanation from another employee within the Public Works Department, who'd apparently met with the group. She thought the location was identified because of its proximity to the existing skate park, but expressed her concern with its location directly beneath the Lindbergh Viaduct. Ms. Goodman-Hinnershitz recognized the recent initiative from the biking community, and commended them for their interest and enthusiasm, if not necessarily their latest proposal. Mr. Miller agreed, commending their cleanup efforts and intent to include the skate park. He said he understood there was another preferred location, but that the landowner had declined. Mr. Acosta clarified that he wasn't advocating against anything or anyone, but simply for the financial interest of the City. He felt there were too many instances of ambiguous powers and responsibilities that need clarification, and hoped to do so in the months before a new administration takes charge. Mr. Miller answered that some of the Planning Commission's roles are very specific, while others are more advisory, and can be subject to interpretation. He noted that, in Pennsylvania, the planning agency is always a creation and delegation of the governing body. Mr. Acosta urged the board to forward any priority concerns to the City Clerk, for Council's attention. Mr. Bealer mentioned a tendency toward 'internal' planning initiatives by the administration, without any involvement of the Planning Commission. Mr. Lauter understood the grant program in question to require a 'matching' contribution, and the condition that the applicant control the subject property. He took that to mean the City would have to be a party to the application. Mr. Miller repeated that he personally saw no ambiguity regarding the Planning Commission's role in such an issue. Mr. Acosta wondered if they might be discussing a project already abandoned, in the wake of the election results. Ms. Goodman-Hinnershitz said the Recreation Commission would appreciate consideration of its plan in any future decisions impacting recreation facilities.

Proposed Material Silos (Brentwood Industries) – waiver consideration [1:27.58]

Mr. Miller displayed a drawing from the same design firm that prepared the original land development plan in 2004. He explained that the new owner wants to install for material-storage silos. Though 70-feet tall and visible, they'd be somewhat screened by the topography and the 'grit chamber' sewage facility between them and Morgantown Road. He said the size qualifies the project for a waiver, subject to whatever other permits may be required and an updated copy of the plan with some additional information. Asked about a 'second phase' shown on the 2004 plan, he said the new owner didn't reveal any further intent, but did mention that Habasit had lately only been using it for storage. He understood Brentwood Industries to be growing its business, and expanding its market share. He recommend waiving further review, in exchange for a revised plan with notes detailing the project's history and references to the other permits still required. The members discussed the screening effects and the traffic expected as larger but less-frequent deliveries. Asked about the color of the tanks, Mr. Miller thought he'd heard stainless steel at a May 7th 'OneStopShop' meeting. Mr. Lauter, recalling the 2003-2004 plan review, noted an agreement for neutral colors on the original building, in an attempt to fit it into the natural setting and mitigate its visibility from the West Shore Bypass. He preferred that they match or compliment the color of that building. Ms. Hoag recognized a height suitable for a potential repeater antenna providing communication to the City's sewer treatment plant on Fritz Island. Discussion turned to the size of the silos relative to the existing building, the intended placement of the silos, and the history of the 'KVP Falcon' project.

Mr. Lauter moved to waive the full land development and recording procedures for Brentwood's 'Proposed Material Silos', in exchange for a revised plan detailing the project history for the Planning Office's record, and further consideration of the appearance of the silos from the public way. Mr. Bealer seconded. And the Commission voted unanimously to waive further review and recording.

Resolution #21-2015

Other business:

§513.a approval reaffirmation-Homes at Riverside [1:50.51]

Mr. Miller explained that anytime an approved plan misses the Planning Code's 90-day allowance to record it, the planning agency must act to reset that deadline. Ms. Hoag explained that the delay hinges on a satisfactory municipal improvements estimate and her office's concerns with the locations of the geothermal wells under each unit. She mentioned the three conservation ordinances being pursued by the City's Environmental Advisory Council (alternative energy, riparian buffer and steep slope), and some reconsideration of the section related to geothermal wells based on the experience with this project. She also questioned the adequacy of backup systems.

Mr. Lauter moved to reaffirm the final plan approval for the Homes at Riverside. Mr. Bealer seconded. On Mr. Cinfici's question about the conditions, Mr. Miller verified that the motion would only reaffirm the original approval and its original terms. And the Commission voted unanimously to reaffirm their February 24th final plan approval, Resolution No. 6-2015, for the Homes at Riverside apartment project.

Resolution #22-2015

§207 election-2015 Planning Commission office holders [1:58.00]

Mr. Raffaelli noted they'd forgotten to establish their customary 'nominating committee' at the April meeting, and asked for suggestions. Mr. Miller suggested taking the additional month, if needed. The members discussed the changes in membership over the last year, the vacancy and the expired term. Mr. Raffaelli read the attendance policy provided by the City Clerk, including its 'grounds for removal'. The Commission settled on the following assignments:

- Chairman - Ermete J. Raffaelli
- Vice Chairman - Wayne Jonas Bealer
- Secretary - Michael E. Lauter
- Assistant Secretary - William F. Cinfici

Mr. Lauter moved to nominate and elect the slate of officers discussed. Mr. Cinfici seconded. And the Commission voted unanimously to elect its 2015 officers.

Resolution #23-2015

review the draft April 28, 2014 meeting minutes [2:11.53]

Mr. Bealer requested some grammatical corrections and clarifications, before moving to accept the April meeting minutes, as corrected. Mr. Cinfici seconded. And the Commission voted unanimously to accept the amended April 28th meeting minutes.

Resolution #24-2015

Following a brief discussion of some other pending business, Mr. Lauter moved to adjourn the May meeting. And the Commission adjourned the May 26th meeting, by unanimous consent. – 9:30p